

REMARKS**Summary of the Office Action**

In the Final Office Action dated June 9, 2004, claims 1 and 3 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 3 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action also stated that claims 1 and 3 incorporate non-elected concepts from canceled claims 2 and 4.

Summary of the Response to the Office Action

Applicant has amended claims 1 and 3 as provided herein to remove the non-elected limitations from the claims and address the rejections under 35 U.S.C. § 112, first and second paragraphs. Claims 1 and 3 remain pending in this application.

The Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1 and 3 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant amends claims 1 and 3 as provided herein. The amendment is supported by the disclosure at pages 13-14 of the as-filed specification.

Applicant respectfully requests reconsideration with regard to the rejection under 35 U.S.C. § 112, first paragraph, and submits that the subject matter of claims 1 and 3 is described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In embodiments of the present invention as recited in independent claim 1, a correction unit has a light transmitting surface, a first electrode arranged on at least one area of the light transmitting surface of the correction unit at a position of maximum aberration, and a second electrode arranged on at least one area of the light transmitting surface of said correction unit at a position of minimum aberration. In this regard, as discussed at least at page 13, lines 8-10, page 14, lines 14-18, and page 11, lines 14-23, and as depicted in FIGs. 3a-3b, the electrode layer 16 is divided into an electrode pattern that corresponds to a distribution of the coma-aberration.

Expressions I and II, which define exemplary distributions of a coma-aberration, are discussed at page 14 of the as-filed specification. Applicant respectfully submits that one skilled in the art to which the invention pertains, or with which it is most nearly connected, would be able to practice the invention by finding the maximum and the minimum of the mathematical Expressions I and II that define the distribution of the coma-aberration. Moreover, an exemplary coma-aberration is depicted in FIGs. 4A and 4B showing the location of the maximum and minimum coma-aberrations.

Applicant respectfully submits that, as discussed at page 14, line 22, to page 15, line 4, page 12, lines 4-11, each of the electrode patterns in FIGs. 3a-3b corresponds to the distribution depicted in FIGs. 4a-4b. For example, in FIG. 3a, the positions of electrodes 16a and 16b on the electrode layer 16 correspond, respectively, to the positions of maximum and minimum aberrations depicted in FIGs. 4a and 4b. Similarly, in FIG. 3b, the positions of electrodes 16d

and 16e on the electrode layer 16, correspond, respectively, to the positions of maximum and minimum aberrations depicted in FIGs. 4a and 4b. Thus, Applicant respectfully submits that one skilled in the art to which the invention pertains, or with which it is most nearly connected, would be able to practice the invention by mapping the chart of FIG. 4a into the electrode layer 16, as depicted in FIGs. 3a and 3b.

In view of the foregoing, Applicant respectfully submits that the subject matter of claims 1 and 3, as amended, is described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1 and 3 under 35 U.S.C. § 112, first paragraph.

The Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1 and 3 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant amends claims 1 and 3 as provided herein to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amendment is supported by the disclosure at pages 13-14 of the as-filed specification and in FIG. 3-4.

Each of claims 1 and 3 now recites “a position of maximum aberration” rather than “a position maximizing an aberration” and “a position of minimum aberration” rather than “a position minimizing an aberration.” Applicant respectfully submits that a position of maximum aberration and a position of minimum aberration are depicted in FIGs. 4a and 4b. Applicant respectfully submits that claims 1 and 3, as amended, fully

complies with the requirements of 35 U.S.C. § 112, second paragraph. Thus, Applicant respectfully requests the withdrawal of the rejection of claims 1 and 3 under 35 U.S.C. § 112, second paragraph.

Conclusion

In view of the foregoing, Applicant respectfully requests entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

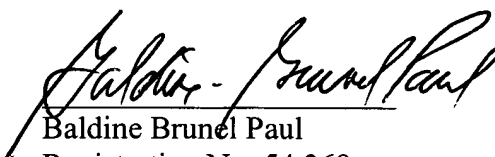
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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